REMARKS

This is in response to the Office Action dated April 18, 2003. There are presently 21 claims pending in the case and all claims stand rejected. In the office action the Examiner rejected claims through 1 - 21 under 35 U.S.C. § 112. Applicant has reviewed the claims and made all the necessary amendments which were noted by the Examiner which were pertinent. Applicant wishes to thank the Examiner for pointing out these inconsistencies in the claims.

Furthermore, the Examiner rejected claims 1 - 19 and 21 under 35 U.S.C. 103(a) as being unpatentable over World '419 in view of Arbogast for the reasons stated. Furthermore claim 20 was rejected under 35 U.S.C. (a) as being unpatentable over World '149 and further in view of Davis. Applicant acknowledges the rejection of the Examiner and respectfully traverses.

Applicant would differ with the Examiner that '419 patent together with the patent to Arbogast disclose the method that is currently claimed as the present invention. Applicant would differ in that it is not necessarily obvious that the degassed water in the present invention which is heated to at least 260 degrees F and injected into a vacuum chamber to be superheated is taught by the combination of World and Arbogast. Applicant would assert that Arbogast does not teach this combination of a method in that the water being treated is regular tap water and does not include degassed water as claimed. The manner and the temperature at which the water is first heated and then superheated is not taught or suggested by Arbogast. The reference is not pertinent to the present invention and does not render the claims obvious, when in combination with the '419 patent.

In regard to claim 20, Davis et al may teach that is known to a backwash system by computer, but the Davis reference would not be pertinent to the combination as taught in the present invention for the claims as recited in rendering the claims obvious over the art.

The first requirement is that a showing of a suggestion, teaching or motivation to combine the prior art references is an essential component of an obviousness holding. *C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 1352 (Fed. Cir. 1998). This showing must be clear and particular, and broad, conclusory statement about the teaching of multiple references, standing alone, are not considered evidence. See *Dembiczak*, 175 F.3d at 1000 (Fed. Cir.

Therefore, applicant would assert that the claims are patentable over the art cited having made the necessary amendments to the claims to overcome § 112. Applicant respectfully requests that the claims be moved to issuance.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any additional fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RESPONSE, Commissioner For Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on this 30th day of October, 2003.

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